



3739

Docket No. 56245 (71699)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lardo, et al.

U.S.S.N.: 09/904,182

Examiner: D. Shay

Filed: July 11, 2001

Group: 3739

For: Application of Photochemotherapy For the Treatment Of Cardiac Arrhythmias

RECEIVED
SEP - 8 2003
TC 3700 MAIL ROOM
#8 9-9

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 9/3/03, 2003

By Eileen M. Woodbury
Eileen Woodbury

Mail Stop: No Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 02209-9169

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

The following is in response to the Office Action mailed August 6, 2003, in the above referenced application.

Claims 1-12, 14-29, 31-41, 48-50 and 55-60 are pending in the present application, which claims are subject to a restriction requirement. Specifically, restriction to one of the following inventions is required:

Group I: Claims 1-12, 14-19, 25-29, 55-57 and 60, drawn to a phytodynamic therapy device, classified in class 607, subclass 88;

Group II: Claims 20-24, 31-41, 49, 50, 58 and 59, drawn to a method of treating the heart, classified in class 128, subclass 898.

In response, Applicants elect Group II: Claims 20-24, 31-41, 49, 50, 58 and 59, with traverse.

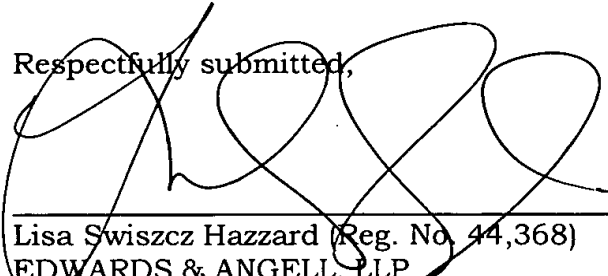
Applicants respectfully traverse the restriction requirement in general on the basis that, while the claims of Groups I and II are allegedly drawn to different inventions, a search for one of the Groups would involve considering references directed to the prior art of the other Group. As such, Applicants respectfully submit that, since a comprehensive search would involve consideration of the subject matter of each of the Groups, for efficiency all could be prosecuted at the same time.

The election of Group II is being made solely to comply with the Restriction Requirement set forth in the Office Communication. The right to file divisional applications on non-elected subject matter is reserved.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that no extension of time is required since this response is being filed before the expiration of the specified ONE (1) month period. Applicants, however, conditionally petition for an extension of time to provide for the possibility that such a petition has been inadvertently overlooked and is required. Accordingly, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,



Lisa Swiszc Hazzard (Reg. No. 44,368)
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
Telephone: 617-439-4444
Facsimile: 617-439-4170